

CITY OF PLATTSBURGH PLANNING BOARD

Meeting Minutes

Common Council Chambers
City Hall, 41 City Hall Place
Plattsburgh, NY 12901

Monday, June 24, 2019
7:00 p.m.
Regular Meeting

BOARD MEMBERS PRESENT: Maurica Gilbert
Derek Rosenbaum
Richard Perry
John Kanoza
Reg Carter, Alternate
Dean Schneller, Corporation Counsel

BOARD MEMBERS ABSENT: James Abdallah, Chairman
Curt Gervich, Alternate
Loretta Rietsema, Alternate
Eva Schweber, City Planner

The meeting was called to order by Acting Chairwoman Gilbert at 7:04 p.m.

A. Old Business

1. **PB #2018-13** **3 Circle Grove**
APPLICANT: **Michael Racine**
PLAN PREPARER: **Aaron Ovios, Robert M. Sutherland, P.C.**

Neither Mr. Racine nor his representative Mr. Ovios were present. Upon inquiry from members of the board, Corporation Counsel Dean Schneller clarified that a tabled item may be removed from the table by vote of the board and the board had previously left off with hydrological, aesthetic, and precedential concerns of this application.

Motion: *To remove the item from the table for discussion.*

Motioned By: John Kanoza

Seconded By: Richard Perry

Roll Call: Maurica Gilbert, Derek Rosenbaum, John Kanoza, Richard Perry, Reg Carter

Motion Carried 5-0.

Ms. Gilbert recuses herself from this item. Mr. Rosenbaum assumes Chair of the board.

Discussion: The board discussed at length the options before them including to approve the application as it stands, to deny the application, or to approve the application with conditions.

The written comments of Mr. Curt Gervich, an absent alternate member and resident of the community, received on Thursday, June 20th, 2019 were read to the board¹.

The board deliberated the circumstances that led the application to its current status. Mr. Perry commented that the board has an obligation to consider aesthetics and he feels that this does not fall under any residential aesthetically appropriate material.

Mrs. Marianne Shaughnessy and Mr. Patrick Shaughnessy of 4 Spring Circle spoke in opposition to the proposed application and raised concerns about the applicant making false claims throughout the process. The Shaughnessy's provided pictorial evidence that they took showing the pipe draining onto their property² and raised concerns regarding the placement of the retaining wall within the easement and stated that the code requires the easement be cleared 20' in width. Ms. Shaughnessy requested that the board make a specific motion as to what the applicant must do.

Mr. Winslow Moore of 8 Kelvin Lane commented that he agreed with Mr. Gervich's written comments and stated that the applicant has made a mockery of the board. Mr. Moore commented that this issue has been going on for years, the community continues to attend these meetings, and the applicant did not show up.

¹ See Attachment 1, "Curt Gervich Comments regarding PB Item #2018-13, received Thursday, June 20th, 2019"

² See Attachment 2, "Shaughnessy Images (3 Pages)"

Ms. Michelle Branon of 9 Meadowvale Lane commented that this issue has to stop. Two properties are being flooded and something needs to be done sooner rather than later.

There were no other comments and the public comment period for this item was closed.

The board resumed discussion. Mr. Rosenbaum stated that, if the board denies the application, he wants to ensure the application goes back to the Building Inspector to be resolved and it has been bounced back and forth. The board continued to discuss the aesthetics of the retaining wall. Mr. Perry stated that he doesn't believe the ordinance is written with the intent to use materials such as this without regard to the neighborhood and curb appeal and he believes more thought could have gone into this. Mr. Perry stated that he does not believe a minimum threshold for aesthetics.

Motion: *To deny the application for a retaining wall, site grading, and related improvements as proposed in the present engineering design and to further require the applicant to remove the pipe from under the wall, remove the blocks, and propose an alternative design to be submitted to the Building Inspector for review.*

Motioned By: John Kanoza

Seconded By: Richard Perry

Roll Call: John Kanoza, Derek Rosenbaum, Richard Perry, Reg Carter

Motion Carried: 4-0-1 (Maurica Gilbert abstained)

2. **PB #2019-10 & 2019-11** **22 Durkee Street**
APPLICANT: **Prime Plattsburgh, LLC**
PLAN PREPARER: **Turner Bradford, P.E., McFarland Johnson**

Ms. Gilbert has returns to the table and resumes Chair of the board. The applicant has submitted a verbal request to the Community Development Office on the afternoon of June 24th, 2019 to table these two items.

Motion: *To table Planning Board Items 2019-10 and 2019-11.*

Motioned By: Derek Rosenbaum

Seconded By: Richard Perry

Roll Call: John Kanoza, Maurica Gilbert, Derek Rosenbaum, Richard Perry, Reg Carter

Motion Carried: 5-0

B. New Business

1. **Common Council Notice of Intent to Establish Lead Agency**

On the afternoon of Monday, June 24th, 2019, the Planning Board received a Notice of Intent to Establish Lead Agency³ from the Common Council of the City of Plattsburgh.

Discussion: Chairwoman Gilbert requested that Corporation Counsel Dean Schneller explain the proposed GEIS process to the Board.

Mr. Schneller provided the overview citing that a GEIS is a mechanism within the State Environmental Quality Review Act (SEQRA) that allows an agency to review a larger project with multiple components and take a cumulative look at the environmental impacts. In this scenario, an environmental impact statement is created at the outset of the review. The process will require a Planning consultant as it is a high-level complex review that may invoke traffic studies or traffic patterns and there are numerous projects. The GEIS process requires an initial scope of projects. A draft Environmental Impact Statement will be put forth to the public for comment. The lead agency will address any substantive or viable comments that are made. At the end of the GEIS review, the environmental review component will be satisfied. On this past Thursday evening, the Common Council approved a resolution to seek a GEIS and establish itself as Lead Agency. Legally, any involved agency can carry out Lead Agency status.

Factors for the board to consider are:

- The timing of the request, due to the urgency of certain state grants.
- The substance of the request, the DRI is a comprehensive project involving numerous facets of the city, not only specific permit applications, but larger policy questions such as parking management.
- Monetary concerns such as who will retain, pay, and work with this consultant.
- There is not a city agency that has gone through the GEIS process and there are time constraints at issue.

Ms. Gilbert listed the projects identified within the Notice of Intent and requested that the board schedule a meeting in one week for the board to give consideration to the request. Mr. Perry asked what involvement the Planning Board would have in the process if the Common Council took Lead Agency. Mr. Schneller stated that the Lead Agency must assess an involved agency's written comments during the public comment period.

Mr. Perry asked if he understands correctly that, at the conclusion of the SEQR, the Board will understand what environmental impacts there may be, the public will have the opportunity to share their thoughts, and the Common Council will evaluate their thoughts, but the actual projects will come back to the Planning Board with a SEQR declaration in hand. Mr. Schneller confirmed that any project requiring Site Plan or PUD approval or anything else invoked by the Code will come back to this board.

The board discussed and clarified that this is a different request than what was resolved by the Planning Board at the May 29th meeting regarding the Durkee Street development project.

³ See Attachment 3, "Notice of Intent to Establish Lead Agency"

The board opened the item to public comment.

Mr. Scott Allen commented that he objected to the two-minute time limit imposed on public comments.

There were no other comments and the public comment period for this item was closed.

The board and Corporation Counsel discussed attorney-client privilege regarding legal advice from Counsel and how it relates to the public record.

The written comments of Curt Gervich, an absent alternate member and community member, received on Sunday, June 23rd, 2019 were read to the board.⁴

Motion: *To postpone the decision on this item for one week.*

Motioned By: Maurica Gilbert

Seconded By: None

Motion Fails

Motion: *To consent to the Common Council acting as Lead Agency per the Notice of Intent letter dated June 24th, 2019.*

Motioned By: John Kanoza

Seconded By: Derek Rosenbaum

Roll Call: Maurica Gilbert, Derek Rosenbaum, John Kanoza, Richard Perry, Reg Carter

Motion Carried: 4-1 (Rosenbaum, Kanoza, Perry and Carter voted in the affirmative, Gilbert voted in the negative)

Motion: *To rescind the resolution dated May 29th, 2019 by this board to request Lead Agency status for SEQOR review of the specific Durkee Street lot project.*

Motioned By: John Kanoza

Seconded By: Derek Rosenbaum

Roll Call: Maurica Gilbert, Derek Rosenbaum, John Kanoza, Richard Perry, Reg Carter

Motion Carried: 5-0

C. New Business

Discussion: Design Standards

⁴ See Attachment 4, "Curt Gervich Comments regarding Lead Agency Status"

Mr. Perry raised a concern regarding a lack of design standards in the Code. Mr. Perry requests that the City take into consideration and include design and aesthetics to be included in future zoning code revisions.

Mr. Matthew Miller, Director of Community Development for the City of Plattsburgh, from the audience requests that the board select a liaison for the Community Development office to work with in this regard.

Motion: *To select Richard Perry as liaison to the Community Development Office in regard to Zoning Code revisions.*

Motioned By: John Kanoza

Seconded By: Reg Carter

Roll Call: Maurica Gilbert, Derek Rosenbaum, John Kanoza, Reg Carter, Richard Perry

Motion Carried: 4-0-1 (Richard Perry Abstained)

Discussion: Ms. Gilbert discussed continuing education requirements of the board and reminded the board of various sources of training.

Motion: *To adjourn the June 24th, 2019 meeting of the Planning Board.*

Motioned By: Richard Perry

Seconded By: Derek Rosenbaum

Roll Call: Maurica Gilbert, Derek Rosenbaum, John Kanoza, Richard Perry, Reg Carter

Motion Carried: 5-0

The meeting was adjourned at 8:29 p.m.

Curt Gervich Comments Regarding 3 Circle Grove
Received 6/20/2019

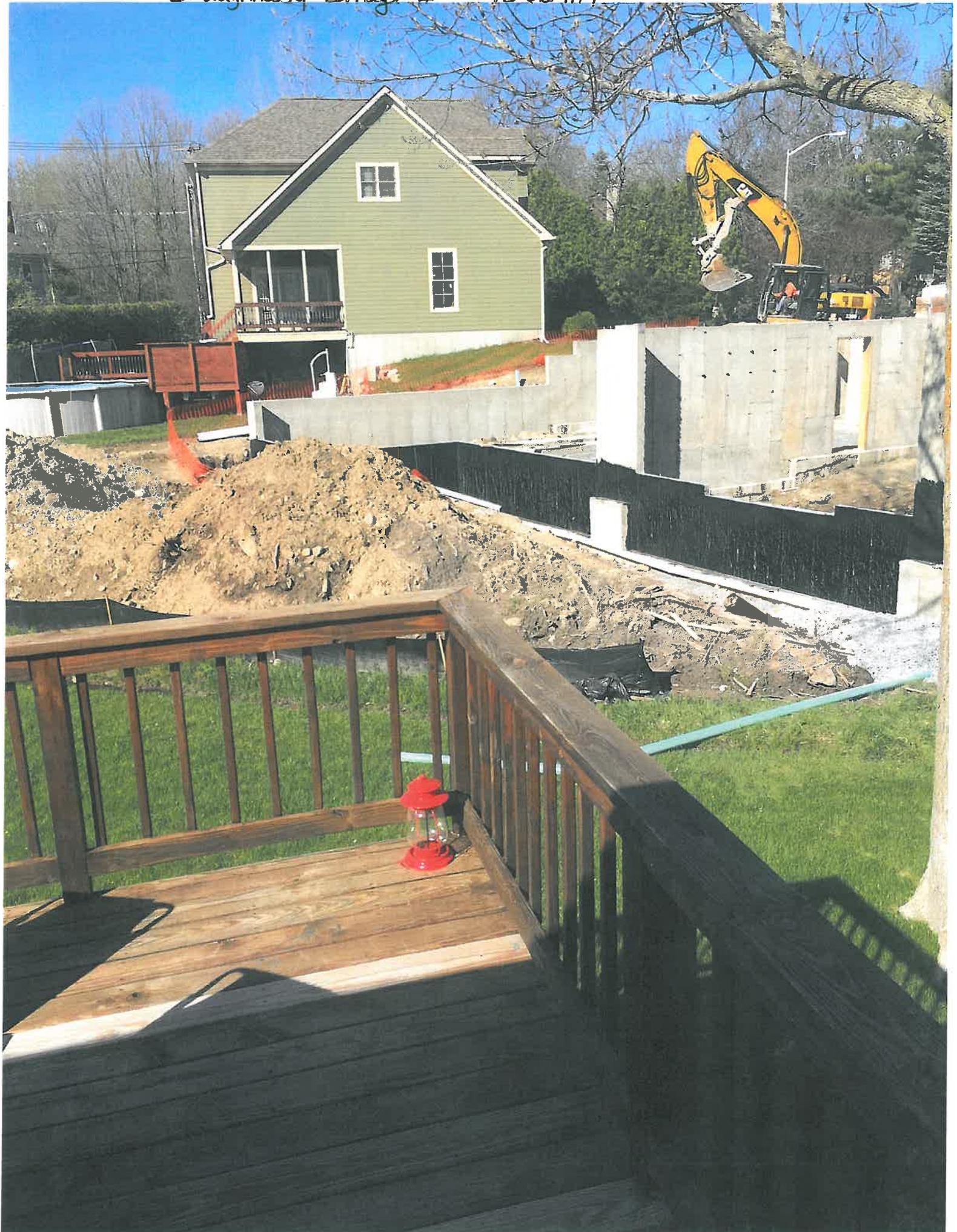
3 Circle Drive

The discussion over this project has continued for almost one year. The project managers/applicants have not come forth with earnest solutions to neighbors' concerns. The project applicants are beginning to make an embarrassment of our City and Planning Board by continuing to flaunt our requests for alternative designs and make a mockery of our lack of accountability. This project has taken an enormous amount of time and produced no result. I am reminded that the time given to reviewing this project is time donated by voluntary board members.

Meanwhile, neighbors to this project have diligently attended several planning board meetings, provided comments and suggestions, completed FOIL requests, and taken photos and notes regarding the process and project. These neighbors deserve relief.

In my opinion time has run out on the project applicants. They failed to develop a reasonable solution to the retaining wall inside of 30 days. They have failed to diligently act in the best interests of the City, Planning Board or neighbors. I encourage the planning board to move the 3 Circle Drive case to the agenda. Make a motion, second and resolution to place the project back into the hands of the City Building Code Officer, who—I hope—issues a citation and stop work order for a violation of City code.

If I were present I would make this motion myself. I'm happy to do so in August if it has not been resolved by then.

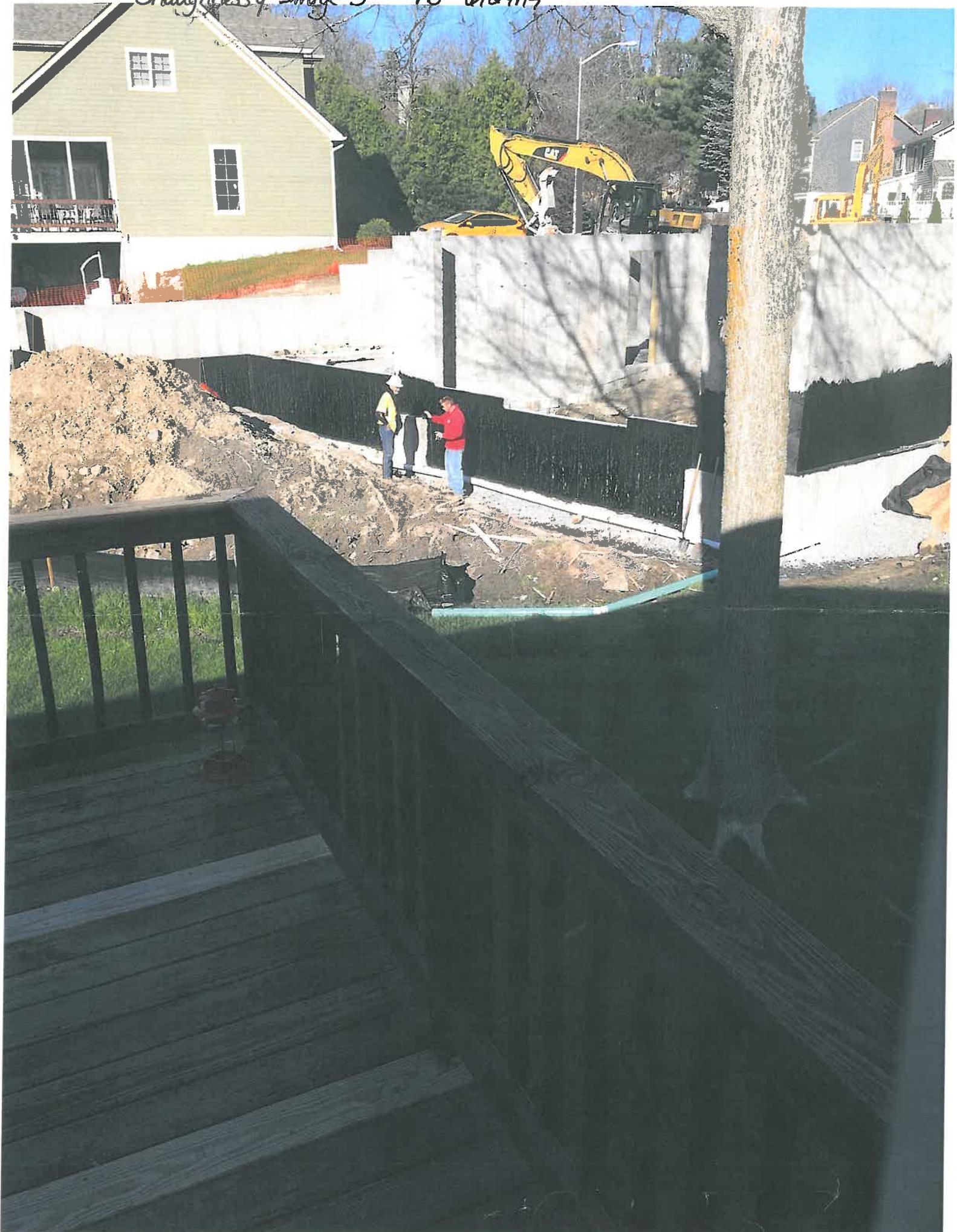


Shaughnessy Image 2

PB 10/24/19



Shaughnessy Image 3 PB 6/24/19





Common Council of the City of Plattsburgh

41 City Hall Place
Plattsburgh, NY 12901
T: (518) 563-7520

June 25, 2019

Chairman James A. Abdallah
& Members of the Planning Board
41 City Hall Place
Plattsburgh, NY 12901

Re: **Downtown Revitalization Initiative**
Notice of Intent to Establish Lead Agency

Dear Reader:

The City of Plattsburgh, Clinton County, New York, as part of its ongoing revitalization efforts, including the projects described within the Downtown Revitalization Initiative as funded by New York State, is pursuing several downtown area improvement projects, some of which have already been specifically proposed and some of which are in the conceptual stage (collectively, the “Projects” or “Action”).

These Projects may include but not be limited to the Durkee Lot mixed use development; Saranac Riverwalk; Durkee Street reconfiguration and parking improvements; Bridge Street parking improvements; demolition of the former Glens Falls National Bank branch on Margaret Street and construction of the Arnie Pavone Memorial Parking Plaza with the associated abandonment of Division Street; streetscape improvements at various downtown locations; Westelcom Park improvements and art-walk; expansion and reconfiguration of the Broad Street municipal parking lot; additional parking improvements in various downtown locations; installation of paid parking kiosks throughout the downtown area; the relocation of the Plattsburgh Farmers’ and Crafters’ Market from the Durkee lot to the Harborside area; and Harborside improvements; and possibly others.

The Common Council of the City of Plattsburgh has determined this to be a Type 1 Action under the State Environmental Quality Review Act (SEQRA) for which a coordinated review is required. Please be advised that the City of Plattsburgh Common Council wishes to be established as Lead Agency for the purposes of fulfilling

the SEQRA requirements relative to the above referenced Action. Your agency has been identified by the applicant as a potentially involved agency.

The City Common Council wishes to review the potential impacts of the Projects taken together rather than separately, including consideration of potential cumulative impacts by conducting a comprehensive review through possible preparation of a Generic Environmental Impact Statement pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of the implementing regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations (NYCRR).

In accordance with the SEQRA Regulations, all involved agencies must agree upon Lead Agency designation within thirty (30) calendar days of this letter. In the event that you disagree with the proposed designation of the City of Plattsburgh Common Council as Lead Agency for this proposed Action, you must send written notice of said disagreement, either by email or in hard copy, to the following address within thirty (30) calendar days of the date of this letter: marbuts@cityofplattsburgh-ny.gov or Shelise Marbut, Senior Account Clerk, Community Development Office, 41 City Hall Place, Plattsburgh, New York, 12901.

If your agency takes no exception to the City Common Council acting as Lead Agency for this Action, please indicate consent by signing the second page of this letter and returning as soon as possible, but no later than thirty (30) calendar days from the date of this letter. Please also provide any comments or requirements you may have for this project to be considered acceptable by your review board.

Thank you for your cooperation on this project.

Best,

A handwritten signature in black ink, appearing to read 'Eva Schweber', with a long horizontal line extending to the right.

Eva Schweber
City Planner

June 25, 2019

Downtown Revitalization Initiative Notice of Intent to Establish Lead Agency

If your agency takes no exception to the City of Plattsburgh Common Council acting as Lead Agency for this project, please indicate consent by signing below and returning as soon as possible, but no later than thirty (30) calendar days from the date of the attached letter. Please send, either by email or in hard copy, to the following address: marbut@cityofplattsburgh-ny.gov or Shelise Marbut, Senior Account Clerk, Community Development Office, 41 City Hall Place, Plattsburgh, New York, 12901.

Please also provide any comments or requirements you may have for this project to be considered acceptable by your review board, if necessary.

On behalf of my agency, _____, I hereby consent to the City of Plattsburgh Common Council acting as lead agency for SEQRA review of the above-referenced project.

Signature

Title

Name (please print)

Date

Curt Gervich Comments Regarding Lead Agency Status
Received 6/23/19

On one hand, having the Common Council take the lead role has advantages. Namely, this is a controversial project and in some sense it's preferable to keep our hands clear of it. Frankly, I don't relish the idea of the Planning Board being at the heart of the controversy or enjoy the idea of the heated and divisive public comment sessions that accompany the project.

On the other hand, however, I think it's better governance practice to keep the SEQR with the Planning Board. SEQR reviews are to be objective, scientific, and outside of the political process. The Common Council, however, is an elected and highly political board. Its members are beholden to constituents and donors, and re-election is never far from an elected official's mind. The Common Council, therefore, is not objective.

Our Planning Board, alternatively, is appointed and has term limits. In fact, our current membership was appointed by at least three different mayors. We are not beholden to anyone or anything. Our only commitment should be to a fair, inclusive and evidence-based decision process. I believe this gives us credibility and a more objective position from which to view and discuss environmental impacts. We were also appointed because we have knowledge and skill sets that make us specialists in planning, design, and environmental review. Essentially, we were appointed based on our planning competencies, whereas the council was elected based on their leadership qualities. From that perspective, we are better positioned to evaluate environmental impacts objectively and from an apolitical perspective.

While allowing the Common Council to take lead role might keep our hands clean, I personally would vote to retain control with the Planning Board. This is a difficult conclusion and places us in a difficult position, but we're the rightful and appropriate place to situate the process and we have more expertise in this area. We must rise to the occasion. Much of what our Planning Board does is the tedious review of window, roof and porch replacements in the historic districts. While that is important work, it is less consequential to the overall future of the City. The DRI offers a chance to actually help our community consider its future in a significant way. If we're not willing to take up hard planning decisions like this then all the window and roof replacements are wasted efforts and we're not doing right by the community.

I wish you all luck on Monday and wish I could be there. Please let me know how it goes. I'm truly sorry to miss the meeting.
Curt